

Governance of Policing and First Nations Communities

A National Perspective



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OFFICIAL OPENING

Ron Skye, session facilitator, welcomed delegates to the CAPG conference and took a moment to acknowledge being on traditional lands. A moment of silence was then taken by all delegates and panel members.

Ron reflected on the session held in Halifax and the discussions that created the conference theme for CAPG to dedicate time for drove the First Nations delegates and participants to this conference, specifically to discuss the challenges of the First Nations communities regarding recruitment, policing, governance and available services.

Cathy Palmer, CAPG President, welcomed delegates and acknowledged the Mississauga lands. Cathy expressed gratitude for the engagement and contribution that First Nations members have made to the work of the CAPG. She stated that police oversight shares common concerns and unique challenges with governance and funding, but reinforced the unique situation that First Nations policing faces. She reiterated the CAPG's commitment to helping First Nations policing authorities in moving forward.

PROVINCIAL UPDATE PANEL

- Tammy White Quills-Knife, Chair, Blood Tribe Police Commission, Alberta
- Dan Bellegarde, Chair, File Hills Board of Police Commissioners, Saskatchewan
- Fabian Batise, Nishnawbe Aski Police Service Board, Ontario
- Ron Skye, Chair, Kahnawà:ke Peacekeeper Services Board, Quebec

Tammy White Quills-Knife, Chair, Blood Tribe Police Commission Alberta

The province of Alberta has 46 First Nations communities, with 3 Self-Administered (SA) police services: the Blood Tribe, who started in 1991, Tsuu

T'ina in 2004, and Lakeshore in 2008. They comply with the provincially appointed police act and local Police by-laws.

Blood Tribe Chief Roy Fox was at the forefront of the investigation into the history and treatment of community members by the RCMP, and lobbied the Premier at the time Don Getty. In 1989, Getty ordered an inquiry of the allegations of mistreatment of Native people by the local RCMP unit. The inquiry cost \$2M dollars and several years to complete, with a total of 105 cases investigated. One of the recommendations put forward was that the government should finance the Blood Tribe to have their own police force. A questionnaire was disseminated to the community to establish whether they wanted their own police, RCMP/OPP or a combination of both. It was determined that the community wanted their own police with satellite RCMP/OPP stations.

Currently, there are 21 FN Community Tripartite Agreements (CTAs) with a total of 56 officers in the province. The Blood Tribe, Tsuu t'ina and Lakeshore police commissions are involved with the Alberta Association of Police Governance. And, on-line training developed by the provincial government for Commissions. Some FN communities have developed Peacekeeping and Alternative Dispute Resolution processes, and have their own court systems with a FN Judge.

Issues the community continues to see is recruitment of officers and how to make the job more attractive to qualified applicants. Mental Health is a common challenge that is being addressed and looking at how FN Communities in Alberta can work together to develop in this area. Another issue is having effective negotiations for funding agreements with the government. The terms continue to be dictated by the federal government but negotiations should be achieved collaboratively.

Dan Bellegarde, Chair, File Hills Board of Police Commissioners, Saskatchewan, Little Black Bears Band

Dan is from Treaty 4 territory which has 34 First Nations; 27 in Saskatchewan and 7 in Manitoba. We call ourselves Little Black Bear's Band of the Assiniboine Cree because we consider ourselves to be one political unit of larger First Nations.

The First Nations Policing Program (FNPP) came into effect in 1991. In 1993, the Federation of Saskatchewan Indian Nations (FSIN) signed the First Nations policing services agreement that was to last for a 5 year period. The intent was to build the capacity in their communities for governance and policing and then transition it to Self-Administered (SA) policing across the province; this never happened. Twenty years later much is the same as in 1993.

There is only one self-administered First Nation police service in Saskatchewan and this is in the File Hills First Nation Police Service. The FHFNPS has been in operation since 2000 and serves five First Nations in southern Saskatchewan. Self-administered does not mean self-controlled. It exists under the Saskatchewan Police Services Act and is completely funded by federal/provincial transfer payments. There is a five-member Board of Police Commissioners, a Chief of Police, nine officers, 5 civilian staff and a Council of Elders. The police service is headquartered on the Okanese First Nation and has a sub-office on the Carry the Kettle Nakoda Nation.

Core policing responsibilities include law enforcement, and some prevention. But another core operation must be Restorative Justice and alternatives to charging. However other police services and the federal/ provincial government don't consider that to be core. So this presents a difference of opinion and priority.

Currently they have 32 community tri-partite agreements (CTAs) between the First Nations,

Canada and Saskatchewan, with the RCMP in providing policing services for most First Nations in the province.

Inter-governmental relations between the communities, the province and the federal government are impacted by a number of factors. One such factor is the strength of the FSIN, representing 74 First Nations. The FSIN has a Justice Commission made up of 12 Chiefs from across the province and which that works directly with Federal/Provincial authorities on various issues, including policing.

Another factor is the Ten Tribal Councils, which are part of a system whereby they deliver programs and services generally funded by the provincial government. This makes for a complex web of inter-governmental relations and jurisdictions.

The First Nations and Metis populations are growing. The relationship between the urban centres and the on- reserve population is very fluid, with continual movement between the two areas. There is an accompanying transfer of socio-economic problems which is translated into criminal and policing issues. Saskatchewan has invited them to attend the Senior Strategic Planning Committee that will look at what policing is going to look like after the FNPP expires in 2018. This review committee has representatives from the provincial system, federal system, the FSIN, Tribal Councils, the RCMP, and from several First Nations. The Committee is moving forward with a "made-in-Saskatchewan" approach. The senior officials from the province are very open to collaborative working relationships and joint planning as we move forward.

The FSIN Justice Secretariat and the RCMP have a Community Safety Protocol and they meet regularly to discuss issues and deal with problems.

Emerging issues include complaints about a lack of consultation and response time with the CTAs. Some communities are moving towards tiered policing and peacekeeping, but most communities lack the financial resources to sustain such an effort without

federal support. A longer term goal is to have a Treaty 4-wide policing service to cover 37 First Nations and then a province –wide First Nation Police Service.

Fabian Batise, Board Liaison, Nishnawbe Aski Police Service Board, Ontario

Nishnawbe Aski Police Service consists of 34 detachments in Northern Ontario. They have 22 remote sites, and 12 road access communities. Under the FNPP, the service was considered as an enhancement to the OPP. But in the far north, that was never the case for NAPS. OPP have to fly in to far north locations and there is only one or two NAPS officers in the community. This makes it very challenging if there is a gun call for the officers in the community.

Ontario has 20 plus agreements with individual First Nations and several SAs. The larger SAs have full police boards, who are fully engaged in ensuring the administrative needs are met.

There are some fundamental issues that the Nishnawbe Aski police have had to deal with from the beginning. One of these was outlined in their first agreement in 1993-1994, which was the need to a legislative base for policing. This would resolve the issue of being deemed as the OPP’s “helper.”

The legislative model was discussed in 2009 in Toronto when the FNPP had done a National review. The report came out and was shelved. Particularity in Ontario, inclusion in the legislation is the key to change.

They are currently working with both governments on two different levels. The FNPP currently has the Stakeholder Panel. Micheline Lavoie from Public Safety Canada is in charge of giving the FNPP a new vision, which is going to have a new mandate in 2018-2023. This is key as it only gives a couple of years to determine what changes are going to be made in order to develop the program.

We have had assistance from both governments with considerable infrastructure development, but at the same time there is still very little about committing badly needed manpower. The legislation issue is now being discussed with the Province. We hope to have something concrete to deliver to the Chiefs in the next year. Policing in Ontario needs more resources, more people, more boots on the ground. If there is a legislative base, then there is a right to have your say. Not all First Nations are represented on the committee, but at least we’re talking. Part of the reason we are here is that we want First Nations to be more cohesive rather than following divisive tactics. It’s a fight, but it’s a worthwhile cause; it’s time for change.

Ron Skye, Chair, Kahnawà:ke Peacekeeper Services Board, Quebec

Quebec tends to be a different breed in relation to how it addresses policing. Quebec does not have a municipal civilian governance model, which is a task that is controlled by the province itself. Kahnawà:ke is the only community, both municipal and First nations, that does have a civilian oversight board.

In Quebec, there are six levels of policing. The designation is dependent on the population that is being serviced. Sûreté du Québec, the national police force, is a Level 6 provider. Within the provincial Police Act, there is a provision that the Minister can enter into agreements with First Nations in relation to policing services. However, once that agreement is made, all First Nations policing services in Quebec are classified as level 1. So within the designation First Nations Police Services are considered to do provide basic core policing and crime prevention services. In the provinces mind, they do very basic, low level policing work.

Training in Quebec is provided by at Ecole Nationale de Police du Québec (ENPQ). To become a police officer requires three years of CEGEP in Quebec and basic training at ENPQ. If trained out of province, by a recognized Policing Institution they are required to

take an equivalency exam.

ENPQ also offer a 20 week special constables program for First Nations training, however, these officers can only do policing on reserve and cannot work in any other part of the province. Kahnawà:ke chooses to send their officers to the RCMP Depot for basic training. They find that there is more consistency and a better rounded officer that comes back from Depot. Once training is successfully completed, these officers can work anywhere in Canada. The challenge for us is they are marketable and do become an attractive resource to other non native policing services. When you chose this career path, there is something in your mind or your heart that you feel a responsibility to your community. So even though most are not paid at an equitable level, they chose to stay in their community.

Another challenge is that many of Quebec's advanced training modules are not translated in English at this time. So there is also a language barrier in relation to communities that use English as a first or second language. Additionally, specialized Investigator courses are not available in English. For example, in order to be an investigator you must have the Investigator Course, however it is not available in English. This is a challenge.

There are currently 30 SAs with two that operate on a regional model, that being the Kativik and Eeyou-Eenou, the Cree Naskapi. The Cree Naskapi have 9 communities with 82 police officers who are Cree. Kativik region, which is in northern Quebec, has 14 communities and 65 officers, and only 5 are native. This is a challenge in relation to recruitment. About 4-5 years ago they initiated a cadet program to try to engage the youth within the community and expose them to what it means to be a police officer. The 5 officers in that service have gone through the cadet program. But this shows the challenges and view of policing within these communities. Both of these services have a regional police commission comprised of one individual from each community and they meet on a monthly basis.

According to a survey done a couple of years ago of the 36 communities with SA agreements, 14 have Civilian/Governance Boards. In my discussions with different First Nation Police Services the effectiveness of the Boards varies. The composition also poses challenges as the Boards can be comprised of elected council officials. This poses challenges from a political perspective.

All the police services within Quebec fall within Quebec Police Act. Kahnawà:ke took a different approach in that they created their own Peacekeeper Law. They went to the bargaining table with their own established law. Kahnawake and Quebec entered into a additional agreement called the Modalities of Policing Service which recognized the law and the jurisdiction of Kahnawake in relation to police services in their community. The Peacekeeper Law is equal to the provincial Police Act in that, it gives the jurisdiction on hiring standards, Police ethics and the civilian complaint process to the Peacekeeper Service Board.

The advantage and leverage that helped enable negotiations on a different level with Kahnawake was due to its the geographic location.. In 2014, they did a market analysis to see what First Nations police are paid. The results of the survey were the following:

- Entry level within First Nations Police Services after receiving training at either ENPQ or DEPOT annual earnings were from \$33,000 to \$47,000
- Senior level (8 year or more on the job) annual earnings were from \$45,000 to \$63,000

Compared to the Montérégie/Montreal area

- Entry level after receiving training from ENPQ or DEPOT annual earnings start at \$54,000
- Senior level (8 year or more on the job) annual earnings start at \$87,000

The frustration comes from the fact that the officers

are doing the same work, are just as qualified as the officer working in non-native communities. So it is unjust rewards in terms of salary some First Nations Policing Services also do not have a pension plan.

ENPQ also offer a 20 week special constables program for First Nations training, however they can only do policing on reserve and cannot work in any other part of the provide. Currently, there is only one First Nation police service in Quebec that do not send their officers to ENPQ for training, and that is the Kahnawà:ke Peacekeepers. Kahnawà:ke chooses to send their officers to the RCMP DEPOT for basic training in policing. They find that there is more consistency and a better rounded officer that comes back from Depot. And once training is successfully completed, they are able to work anywhere. The challenge is they are marketable and can get a job anywhere.

Overall in Quebec there is a very good relationship with the province, there is good dialogue and the province is very open. The federal government is not as open to negotiation, and this needs to change. A market analysis across Canada is required pertaining to benefits and compensation for officers.

GOVERNMENT RELATIONS

- Fabian Batise, Board Liaison, Nishnawbe Aski Police Service Board
- Jeffrey Jacobs, Chairperson , Anishinabek Police Services Board

Jeffrey Jacobs

An example of pure ignorance we came across during our funding negotiations was having a federal bureaucrat tell us we (Aboriginal people) had no right to legal representation. I felt embarrassed and angry that someone would say this to us in this day and age. In fact, the part of the Indian Act this individual was referencing was rescinded in the mid-50s-60s. It just goes to how the mindset and knowledge of

some of the federal representatives.

On a more positive and refreshing note, the Premier of Ontario demonstrated support for our idea of what Aboriginal policing should be and provided Minister Naqvi with the mandate to begin these talks. From this, good discussion came about on ways to improve Aboriginal policing.

All in all, the process of finalizing our funding agreement was long and drawn out which caused a high level of uncertainty amongst staff and the board as well as financial pressure too. In order to bridge financial resources we were forced to access our line of credit in order to ensure we hand sufficient working capital to pay our bills.

This process was based on the principal of not accepting the template agreement by saying no to the government. We were willing to hand in the keys to our organization if the feds and province weren't willing participate in true negotiations.

If you are willing to stand up for what you believe is right at all costs and have the support of the board to do so then hopefully what you see is a light at the end of the tunnel and not a train. We must be prepared to make a stand.

It was a very uneasy feeling to put a lot of communities, and a lot of First Nations families in that situation which could, jeopardize their livelihood and safety. But in the end it was worth it for us.

As a new member and chair of the Anishinabek Police Services Board, there was a higher expectation regarding government relations and the negotiation of our organization's new three year tripartite agreement. The federal government's negotiating style could be characterized as a special kind of arrogance. It is evident that there is a long way to go in educating both sides of government with respect to who we are and ensuring that there is literacy and an understanding and common ground regarding providing safety for all Canadians, no matter who we are. We are not on equal footing and the safety of

our citizens is not yet deemed essential, but we are striving towards this.

It is clear that the current federal government does not seem to have an appetite to work with us on shared goals, and it is apparent and it is unfortunate. As governing boards we need to accept that, we need to be tactful, and we need to strategize on how to change the paradigm; that is really what we are striving towards. The provincial government has shown an appetite to work with us. But we need to be talking the same talk, with the same understanding. I was shocked to be involved in what was a one sided negotiation and handed a template agreement. Being handed funding agreements where the mechanisms, the framework, the elements aren't workable and are not sustainable. Being part of that experience, not being afforded the opportunity to provide collaborative drafting when we are working through an agreement, is not truly a partnership. This was not the type of treatment you'd expect in any other business agreement.

We had to change the players at the table. Some of the federal and provincial government reps had old views, old ideas, and they had to be benched. They were replaced with new bureaucrats who stepped in with a "veil of ignorance" who had fresh eyes and saw what was going on for what it was. At this point, things started to change. We are really striving for something bigger and sustainable for our organizations. Something bigger for sustainable policing. In order to achieve this, it will take a collective approach and resolve towards common goals.

Fabian Batise

One of the most disturbing parts of the process was having to go and hire the most feared lawyers in Ontario to meet out these discussions and speak on our behalf. Though you can speak for yourself you are not respected enough to get action from governments. That was the worst part of the process.

Ron Skye opens the floor for questions.

Question: Were you able to alter the template in any substantive way when you came to the final agreement?

Answer: There were a couple of things in there that should have been red lights. The language of the template stated that the federal government were only funders and are not responsible beyond that. We took that language out. There can't be any substantive change to the FNPP until after the October election.

Question: More of a comment about how cultural appropriateness is still an issue. How do you define cultural appropriateness? Is it with war paint and headbands? We are in the year 2015 and a lot has changed. It seems to be a sticking point in these discussions and I think it is a big insult in maintaining these relationships that have been established. One question to the panel is the concern with Bill C-51. Have you been given any thought on how you will work with that?

Answer: The culturally relevant piece is in all the agreements. What does it mean? I don't know. It is an insult when you look at it that way. In relation to Bill C-51, its part of the reason why we are all here, to try and look at what we are going to be doing from a First Nations police governance perspective when these legislations come down. Right now, we are all acting as individual components within a First Nations Policing Program, from both the provincial and federal perspective. But maybe it is time to have representation for First Nations police governance on the national level to advocate on these issues.

THE SOCIAL NAVIGATOR

- Daughness Migwans, Social Navigator, UCCM Police Services

UCCM Police Service was established as a Stand Alone in 1995. There is access by swing bridge and a ferry in the summer. There are 7 First Nations

communities on Manitoulin, and UCCM PS covers 6 of those communities.

The Social Navigator was a pilot project that UCCM developed. I am not a police officer, but I do work in the station so I am very close to the officers.

In our area, we have the United Chiefs and Councils of Mnidoo Mnising tribal council, they make up the Board of Directors and they are the Chiefs of each of our six First Nation communities. It has been the birth place of a lot of our services, including our police services, our own health authorities, our own child authorities.

As time goes on, other boards were incorporated to represent the other agencies that were being developed. Sometimes this can be seen as distancing from the communities they service. So in 2009, the directive from the Chiefs was that all the affiliates under the UCCMM needed to work together. The directive was very simple, and it translated to: Maamwi Naadamadaa, which means “let’s work together.” Instead of operating as individual communities, let’s pull together and see what we can do when we work together.

They pulled together the executive directors from multiple sectors that now meet on a regular basis. And for many years it was general information sharing. But as time went on, we started to look at the mission and vision of the various agencies that operate in the area and they were all the same. It made sense to be working together. We came up with an integration strategy that could pull all the services together to work with the people who were struggling the most in the community. The task that we were given was to ensure the strategy:

- Was culturally appropriate
- Looked at the environmental impacts
- Looked at the whole family system
- Took into consideration the history of where we have come from, where we are now, and where are we going in the future.

We have an Elders Council, and we were guided by the Council in the development of the integration strategy. So we had Maamwi Naadamadaa, and we had service excellence in action, and we asked: how are we going to make that actionable? We talked to our Elders about it and they said “it sounds like what you want to do is provide the ultimate level of service to people who are struggling.” So this is where our integration strategy was named Gchi Mino Naadmaadwin Teg, which describes the place where you get the ultimate level of services.

From this, the police proposed the Social Navigator Initiative, which brings all affiliated services together from all of the six communities and looks at mitigating the risk and how we are responding. Depending on the risk factors, police are not always involved in this process.

So what we ask our officers to do is go in and assess the situation: Is there suspected mental health issues at play? Is there substance abuse? Is it a traumatic event? Are there children involved? We provide the officers with questions that assess whether the risk factors cut across multiple service sectors. Then we begin to identify what supports need to be put in place based on each individual situation. If other services need to be involved, then we follow through with the referral forms. So the officers now have more options.

One of the questions that has come up is how does this differ from parole or probation? Firstly, there is pre-crises support. We want to try and get in front of these situations that are bubbling to the surface and haven’t quite boiled over. For us, every door is the right door – so though the first contact may be with an officer it is certainly not the last. We operate more from an outreach perspective, so we are working with our partners to reach out to the community.

We put this in our language. When we say multi-sectoral response, we are working from a clan governance system where everyone has a role to play in the community. When we talk about the situation table, that is our circle where everyone has

the opportunity to talk about what needs to be done. The principals that we are building upon are the Seven Grandfathers that guide all that we do. As well as the preamble that was developed by the Elders Council in the community, that is the reminder that this is the basis from which we are working.

Ron Skye opens the floor for questions.

Question: Who are the funders for the program?

Answer: We have an agreement with Public Safety Canada and the Ministry of Community Safety and Correctional Services.

Question: In relation to the services that have been integrated, almost like a HUB model if you will, is there question from your funders providers on how you are spending?

Answer: Not that I am aware of. What we are being funded for now is the position itself. All of the partners we work with are operating under their own agreements and provide in kind contribution. But there is latitude there, as we are not asking anyone to compromise their professional mandate.

Question: Are there any issues on the disclosure of personal information with other agencies?

Answer: This was the biggest set-back, to have people share above and beyond what if professionally required. This was most apparent within the health sector; they were very cautious. We found that there was a narrow interpretation of legislation around the Privacy Act. We are not asking they go outside the legislation but that they provide the “maximum sharing” that can be discussed in the circle.

Question: How do you rate your success?

Answer: We rate our success based on the following:

- Reduction in crime rates
- Non-Criminal Code offenses
- Engaging the community resources and building up the communication so police are

not seen as the “bad guy”

- Reduced reliance on hospital systems
- Pre and post charge diversion especially when emotionally disturbed persons come into play

URBAN FIRST NATIONS

- Monica Rutledge, Aboriginal Peacekeeping Unit, Toronto Police Service

In 1989, the Metropolitan Toronto Police Service recognized the need to enhance the relationship with the aboriginal people in the region and assigned an aboriginal officer to the Chief’s Community Liaison Unit. The Unit is now called the Divisional Policing Support Unit and consists of approximately 10 officers who are assigned to various cultural communities.

In 1992, the Aboriginal Peacekeeping Unit was established with five officers, one Sergeant and four Constables. The Peacekeeping Unit is located on the main floor of Toronto Police Service’s headquarters and has a more welcoming, accessible, grassroots atmosphere. About 90% of the time I am not in uniform, because with some of the history between the police and RCMP and the aboriginal community the uniform can be intimidating.

The Aboriginal Consultive Committee (ACC) consists of various community agencies from the GTA, such as Native Womens Resource Centre, Anishnawbe Health, Council Fire Native Cultural Centre, meet once a month and bring forth issues that are police related to our table.

In 2012, the Aboriginal Liaison Officers were established. Aboriginal people make up 85,000 to 90,000 of the population in the Greater Toronto Area, so there is a lot of ground to cover. We now have an officer per division. There is approximately 15 liaison officers, five of which are assigned to 52 Division.

It took about 2 years to build trust within the

community. Its a process to build the bridge between the aboriginal community and policing, and getting them to work together closely in partnership; thats the main objective. We also provide presentations to the Police Foundations, the Toronto Police Service Divisions and all the new recruits. Educating the officers is really important so that they understand the history and there is a sense of empathy when interacting with the person. We do a lot of mediation and de-escalation, community education, again and building the trust with the community.

PEACE MAKING PROGRAM

- Tony Delaney, Blood Tribe
- Wilton Good Striker, Blood Tribe

Tony Delaney

We are fairly new in relation to peace making programs. There are other restorative justice programs started within the Tribe. We started accepting referrals in 2010. All of the peacemakers were selected and approved from Chief and Council in 2009 and then it took a year to figure out what peacemaking is and what it meant specifically to the Blood Tribe.

The majority of the referrals come from the courts. We deal with about 80 – 100 court referrals the types of charges we deal with are mischief, uttering threats, common assault, misdemeanors, aggravated assault, theft. They get referred by duty council, native council or a lawyer. The Crown Prosecutor determines if a person is eligible for our program and then we do the intake. One component is that the individual needs to take full responsibility. If they don't accept full responsibility, then we recommend that they return to the court and plead not guilty. The individual is in our program for a minimum three months and we have had some individuals in our program to up to a year. We do not try to get the individuals off charges, we leave that to the courts to take care of. However, if they complete the program,

we send letters updating on all of their progress.

There is also the traditional part of the program. If someone doesn't have an Indian name, then they are asked to search back in their family to see if they can find one and they are encouraged to continue using their Indian name. There is a lot of meaning and history behind these names. We also have them help with gathering items for the sweat lodges and the sun dance. They collect wood and rocks, or help with face painting. We also developed our own domestic violence course. We talk about residential schools based on information we received from the Elders and we discuss the impact of abuse on the brain. We offer traditional Elders counseling as well. Community is very important to us. We are funded under Aboriginal Justice Strategy. There are 250 other programs that are funded like us.

Wilton Good Striker

I was the first aboriginal police officer in Calgary. It took the city of Calgary about two years to get used to that idea. People would call in saying they saw an Indian driving a police car. A lot of times it was just the attitude we had to deal with within the whole criminal justice system.

After I left Calgary, I became the Assistant Director of Native Counseling Services of Alberta, which deals with court work, parole supervision, and probation. The Chief and Council asked me to come home to help discuss setting up a police force. The RCMP had become the "bogeyman" within the community. It took me six months to study what the community wanted, what they were looking at in terms of policing services. We gave them three choices: their own tribal police, the RCMP, or a combination of both.

The clear response was that the community wanted a combination of both at first, but eventually to have their own. They also wanted 100% of the tribal police to be tribal members. And this speaks to the importance of ownership of the program by the community. Anything that a community owns, they

will never destroy.

We asked them a number of questions such as the colours of the uniform. We also asked them the age range of the officers, which was determined to be youngest 35 to oldest 60; so they indicated a very mature person should be responsible for policing services. They also wanted someone who knows who is who in the community. So at the time the training program was 6 months classroom training, learning the law enforcement, and another 3 months getting to know the community. This part of the training was conducted by the Elders to get to know clans, the leadership, and the families.

We are a very traditional community. For example, a police officer drives into one of the communities, people watch, they pay attention. If you go to the Clan Mother's house and you get invited in for a cup of tea, some bannock, everyone is going to offer you information, they will help you. But if you don't get invited in, no one will talk to you. So you have to get to know who the people are.

The community very clearly indicated that they wanted somewhere between 40 to 50% spent in terms of crime prevention and the rest in actual law enforcement. When you look across the country, we are lucky if we get 4 to 5% spent in crime prevention. I think we need to take a closer look at that.

The police emblem that is worn is the result of over 600 submissions that were provided. A lot of our people see policing as a treaty right. They said the government had made promises, they wanted us to maintain order in the community; and this was part of our negotiating stance with the government.

We started the transitional program in 1975. It took a while for the province and the feds to get on side, but we were very happy with the result. I remembered what the Chief had said about how the RCMP had become the bogeyman in the community. We didn't want that so we worked hard to correct that; we wanted to make the police officers part of the community. Robert Peel stated that the community are the police and the police are the community

and I think that this is really important. Any time you separate the police from the community, that is where issues happen and then that division just gets wider and wider. Another item stated in the study was no sidearms. There may be a rifle in the truck, but we have never had to use sidearms.

With regards to the traditional component of our program, we use a declaration that was established many years ago. And the leadership of the time said we should use this declaration in every program in our community. A requirement of the declaration is to use the Council of Elders in every aspect of public services. It is really important to reconnect to traditional ways in terms of community and policing.

After initiating the tribal police, I was asked to become the Tribal Manager by the Chief for a short time, which turned into 10 year tenure. From then on I was appointed from the National Parole Board and retired after service 20 years.

Throughout my experience in law enforcement, probation work, tribal management, Parole Board work, I tried to figure out why people, particularly young people were finding themselves in difficulty with their life. Not only with the law, but with life. And three things came out clearly: First, a lack of identity: Kids didn't know who they were; Second, something happened in their life to remove their self-esteem to nothing; and third, spiritual disconnect. Prayer had left their life. And as I looked back at our programs that have been successful, that had made a difference, these were programs that reinforce identity, programs that gave self-pride and developed Self-esteem, and connected you in a spiritual way. And this is what we use in our peacemaking program. From this we work on the reconciliation between the victim and wrong-doer. With regards to the success rate in terms of recidivism, we are at about the low 90% level, so a very high success rate. All of our peacemakers are Elders. The three of us oversee that people are staying within the law.

When they teach you law they teach you very early in your studies that there is the letter of the law

and then there is a whole other side that indicates that we have a moral responsibility to uphold the harmonious way. Many only follow the letter of the law; anyone can do that. But there is discretionary power on the part of the police officer, the crown, the judge. People, in terms of criminal justice, are very aware of our traditional ways. All the studies, commissions, royal commissions have indicated the same thing: put a little colour in the system. Give ownership to the communities. And this is what we have tried to follow.

RESTORATIVE JUSTICE

- Ron Skye, Chair, Kahnawà:ke Peacekeeper Services Board, Quebec

Kahnawà:ke has developed and have passed their own Justice Act which had a lot of support from the community. We did a lot of consultation over a 10 year period in relation to what they felt they needed in a justice system. Kahnawà:ke uses a Community Decision Making Process, which is a consensus based model to develop its laws.

We have developed a relationship with Quebec and Canada in relation to Justice. We are in the beginnings of discussing the framework of the justice program. The province is open to engaging with Kahnawà:ke on this.

There are 4 divisions within the Kahnawà:ke Justice Act:

1. SKÉN:NEN AONSÓN:TON: the Restorative Justice Program
2. ADMINISTRATIVE TRIBUNALS: Reviews decisions from administrative or executive branches of government
3. COURT OF KAHNAWÀ:KE: Court of first instance for all criminal, penal and civil matters
4. KAHNAWÀ:KE COURT OF APPEAL: Reviews decisions from Court of Kahnawà:ke for Kahnawà:ke penal or civil laws: criminal law is in

Quebec Superior Court

Since 2001 Kahnawà:ke has entered into a funding agreement with Quebec and Canada for cost sharing on this initiative. This was the beginning of our restorative justice program called Sken:nen A'onsonton (To Become Peaceful Again). The concepts are to maintain balance and harmony within our community. Kahnawà:ke's development of justice is based on the Haudenosaunee concept of justice using reason, satisfaction, persuasion and compensation which are the cornerstones of the Kahnawà:ke Justice Act. The principles embodied in the process are a holistic approach to address conflict outside the judicial system.

We have developed protocols on practice and procedures for the transfer of files from one process to another (adversarial to restorative). Rules for transmitting information or evidence in the restorative justice forums are provided for in the protocol between Sken:nen A'onsonton and the Court of Kahnawà:ke. We train our policing service in mediation techniques and available services within Sken:nen A'onsonton. Our Mediators are also trainers. It has been a challenge changing the mentality, getting the policing services to understand the program. When the officers come back from DepoT, we have to tell them jokingly "forget everything you've learned you know have to think like a Kahnawà:ke Peacekeeper.

We have 2 full-time staff and a base of 12 volunteer community members. An initiative we have started is to become more involved with the youth as mediators, and developing a curriculum program that would be delivered in our schools that would be part of their civics class on how to resolve conflict in your community.

CAPG ROUND TABLE – FIRST NATIONS POLICE GOVERNANCE

August 27, 2015

In Attendance:

Ron Skye, Kahnawà:ke Peacekeeper Services Board, Quebec

Gerri Many Fingers, Blood Tribe Police Commission

Jordan Bare Shin Bone, Blood Tribe Police Commission

Lorraine Pompana, Brandon Police Board

Johanne Jackson, Akwesasne Mohawk Police Commission

Wesley Benedict, Akwesasne Mohawk Police Commission

Valerie Francis Terrance, Akwesasne Mohawk Police Commission

Tanner Leger, Prince Albert Board of Police Commissioners

Linda Greyeyes, Prince Albert Board of Police Commissioners

Ernie Blais, Manitoba Police Commission

Walter Mentcuk, Dakota Ojibway Police Commission

Daniel Bellegarde, File Hills Board of Police Commissioners

Fabian Batise, Nishnawbe Aski Police Service Board

Geordi Kakepetum, Nishnawbe Aski Police Service Board

Zac Tait, Nishnawbe Aski Police Service Board

Mike Metatawabin, Nishnawbe Aski Police Service Board

Christine Bigras, UCCM Police Commission

Darlene Brander, Saskatoon Board of Police Commissioners

Mary Jane Loustel, Winnipeg Police Board

Pippa Rogers, Canadian Association of Police Governance

Dan Bellegarde: Not every Stand Alone is a member of the CAPG at the moment; you only have a third of the boards that exist. But if you already have an institution that we are part of, do we need to create another? We also have the First Nations Chiefs of Police, but there is not a lot on governance issues discussed at that level but this is another venue where we can work to bring the Boards together.

Ron Skye: The CAPG has reached out to other Stand Alone Services to join CAPG. We are looking for input on and from First Nations policie services. We have shared what we have in our community. But there seems to be some reluctance for boards to want to share. In my travels across this country, a lot of what we are hearing is “we don’t have money

to join.” So it’s a bit of a money issue. The way the agreements are structured, there is money there for board governance functions , but I don’t know if they negotiate that in the funding agreement itself.

Fabian Batise: Talking about funding agreements, we’re talking about committing to the process. If we get someone from the AFN office to try to create something from within this organization, and there are ways we can look for FNPP funding to make sure the association gets kicked off. I have been at these meetings, I do know the small budget that they operate with so they are just trying to maintain. You can work with minimal funding.

The thing is we need to figure out what it is we want to do first because I don't think we are doing to get other organizations to join unless you have something that is going to work for them. With relation to information sharing, we have done that and have shared our policies and training with the CAPG.

Wesley Benedict: Sounds like a revival of the First Nations Police Governance Association. That was a body that existed about 10 years ago and we would meet regularly. Again, it didn't last very long because of funding issues.

Fabian Batise: If you go further back, the FNPP used to fund us to get together. We had national conferences in Edmonton and Vancouver and everybody was there. But then the First Nations policing world got bigger, and the funding base never changed. So everything disappeared into operations as they expanded.

Ron Skye: As First Nations got more self-administered services, the First Nations Chiefs of Police took over that budget and so the First Nations Police Governance Association got put to the side.

Walter Mentcuk: Yesterday, the President of the CAPG asked us how the CAPG can help move our agenda. I think it's important that we keep that in mind. I think we need to focus on what is the message we want to deliver to CAPG so they can help us move forward. As, the First Nations police boards, we have no choice but to manage inadequate funding and resources. That is the reality we work with. And I think that is an important message.

Jordan Bare Shin Bone: In Alberta, we used to have four Stand Alone police Commissions, and one folded due to funding. So we try to meet with the other two with whatever means we have. Funding is a key issue with us in Alberta. And that is also the catalyst for not being here.

Dan Bellegarde: The Federation of Saskatchewan Indian Nations would be open to help the development of a national voice, and would support the AFN in that respect. In the meantime, we need to strengthen what we already have. I would like to still remain part of the CAPG, but we also need to acknowledge that our situation is very different from that of the other police boards here.

Ron Skye: There are some fundamental police governance challenges that do cut across every service. But when you interject the differences in jurisdiction, legislations, etc., there are all those other issues that are tied into it. I like the idea of still using the CAPG to achieve our objective, just like the FNCP has a good relationship with CACP. I think an alliance is a good thing.

Fabian Batise: When we had our meeting last year, we discussed having a First Nations component at the next conference, and that was accomplished. We want to get people at the table and discuss where we need to go from here. I for one would like to see Ron stay on the CAPG Board and lead the group. If we can get a committee to stand by his side, we can create a working group and get some things done.

Dan Bellegarde: I think we also need representation from each jurisdiction, because what is happening in Saskatchewan is very different from what is happening in Ontario. We should also look at the Urban Aboriginal component as well.

Lorraine Pompana: As an Urban board member, sometimes the situation is a little difficult. I recently spoke with the Staff Sergeant and we discussed having urban reps go work with the communities, share information. We are all concerned about our people. Statistics say that there are more and more of our people moving out of the communities into urban settings, and sometimes they get into trouble. So I think considering the urban situation is important. We need some guidance on what role we have with the surrounding community.

Mary Jane Loustel: I am from Winnipeg and there are two of us Indigenous people on our seven person board. Sitting on the Winnipeg Police Board, we know that 70% of the victims and 70% of the perpetrators are Indigenous. Our justice system is filled with Indigenous peoples. So we sit down and discuss what strategies we have to build stronger communities, stronger relationships. And this is not just with the police, it is with the city. After having such a high profile with missing and murdered indigenous women, as well as being called the most racist city, we decided that we would set up an Indigenous Council, with 16 First Nations, Inuit, and Métis members. There are two police board members who serve as liaisons at the table. When I think about the lack of equity in terms of support systems, pay of officers and on-reserve services, I think by affiliating with a large organization like CAPG is helpful. Getting big services like Winnipeg on board in advocating on these matters, developing relationships Nation to Nation, and city to Nation. Our services need to be a lot more collaborative and I think there is opportunity to do this work through the CAPG. But I also think we need to have Nation people doing the research and the work.

Fabian Batise: We also have to consider the lobbying opportunity with CAPG. We have things that we can offer the CAPG, and they can offer us opportunities too. So it is a good relationship.

Lorraine Pompana: I would also like to mention that the CAPG is very focused on creating partnerships. When I proposed a number of things, they were very responsive and they are ready and willing to help us along.

Ron Skye: So if we start summarizing we will do the following:

1. we will enhance our relationship with the CAPG;
2. we will develop a working team to start looking at next year's conference and themes;
3. we need to do outreach with the AFN and get their support
4. we need to identify committee members who would be willing to work on this; The following have offered their assistance within the working group: Fabian Batise, Dan Bellegarde, Lorraine Pompana, Linda Greyeyes.

Mike Metatawabin: We also need to see more engagement from our Nation Chiefs. Right now, they are not engaged with First Nations policing and governance.

Ron Skye: This working group can look to engage with the AFN and work with them.